

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
WINSTON-SALEM DIVISION

IN RE:	)	
	)	Case No. 10-51654 C-7W
Ralph Earl Carrick,	)	Chapter 7
	)	
DEBTORS.	)	
_____	)	

CONSENT ORDER FOR RELIEF FROM THE AUTOMATIC STAY

This matter came on before the undersigned United States Bankruptcy Judge upon the Motion for Relief from Stay and the Amendment to Motion for Relief from Stay (the "motion") filed by Branch Banking & Trust Company (the "Creditor") to exercise its state law rights with respect to certain real property (the "Real Property"), located at and designated as 253 W. 6th Street, Lexington, Davidson County, North Carolina, and 120 Cecil Street, Lexington, Davidson County, North Carolina, and more fully described in the Motion. The Court having considered the Motion and the record in this case finds and concludes as follows:

1. The Creditor filed the Motion on December 1, 2010, and filed a Waiver of Hearing within Thirty Days on December 6, 2010.

2. This matter was scheduled for hearing on the Motion for January 12, 2011.

3. On December 10, 2010, the Trustee filed an Objection the Motion on the grounds that the Deed of Trust recorded in Book 1913, Page 1918 in the office of the Register of Deeds of Davidson County does not reflect property located at 253 W. 6th Street.

4. On December 22, 2010, the Creditor filed an Amendment to the Motion. The Amendment shows that the loan is secured by property located at 253 W. 6th Street, Lexington, North Carolina, and by property located at 120 Cecil Street, Lexington, North Carolina, and the property Deed of Trust was attached to the Amendment reflecting the Creditor's security interest in the property located at 253 W. 6th Street, Lexington, North Carolina.

5. Based upon the additional information and documentation contained in the Amendment to Motion, the Trustee no longer opposes the Motion and consents to the entry of relief of stay.

6. No other objection to the Motion was filed by any interested party.

7. Cause exists for modification of the automatic stay afforded by Section 362 of the Bankruptcy Code.

**NOW, THEREFORE,** it is hereby ORDERED, ADJUDGED, AND DECREED that the Motion is granted, and the automatic stay afforded by Section 362 is modified to allow Branch Banking & Trust Company to exercise its state law rights with respect to the Real Property.

IT IS FURTHER ORDERED that Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is waived and that the Creditor may immediately enforce and implement this Order.

IT IS FURTHER ORDERED that if a sale of the Real Property is held and excess proceeds are derived, then such proceeds shall be deposited with the Chapter 7 Trustee in this case.

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Consented to:

s/ Jewel A. Farlow  
**Jewel A. Farlow**  
**Attorney for BB&T**

s/ W. Joseph Burns  
(electronically executed by  
Jewel A. Farlow with express  
permission by W. Joseph Burns)  
**W. Joseph Burns**  
**Chapter 7 Trustee**

PARTIES TO BE SERVED:  
CASE NO. 10-51654 C-7W

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